

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
) Case No. 1:15-CR-00010
) (RJA) (HBS)
 Plaintiff,)
)
 vs.) January 24th, 2018
)
 CHARLES WEBER,)
)
 Defendant.)

TRANSCRIPT OF COMPETENCY HEARING
BEFORE THE HONORABLE RICHARD J. ARCARA
SENIOR UNITED STATES DISTRICT JUDGE

APPEARANCES:

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1 THE COURT: Mr. Comerford?

2 MR. COMERFORD: Judge, when we finished yesterday, I
3 indicated that Mr. Weber did want to testify on his own behalf
4 in this case. He would like to do that. We have discussed
5 it. He's prepared to testify at this point, so we would call
6 Charles Weber.

7 THE COURT: All right. Before you do that, you have
8 had some discussions with him?

9 MR. COMERFORD: We have, Judge.

10 THE COURT: And you have been able to communicate
11 successfully? I know the issue here about competency is what
12 the purpose of the hearing is, but have you had a chance to
13 talk to him about testifying and what his rights are and the
14 dangers that are involved in testifying?

15 MR. COMERFORD: Yes, Judge.

16 THE COURT: And you are satisfied he understands it?

17 MR. COMERFORD: I am, Judge.

18 THE COURT: He comprehends everything you say, as far
19 as you can determine?

20 MR. COMERFORD: As far as I can determine, Judge. I
21 told him what the potential dangers are with testifying, how
22 in certain circumstances, things could be used against him and
23 how if he were to perjure himself, that could certainly lead
24 to new charges and he has indicated he understands that.

25 There are a select number of topics he would like me to ask

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1 him about on direct examination. He's given me a list of
2 those questions. I have looked them over and I am prepared to
3 ask those.

4 THE COURT: Is there anything that I should be asking
5 him?

6 MR. COMERFORD: At this point, I don't think so,
7 Judge.

8 THE COURT: You think you have covered everything?

9 MR. COMERFORD: Yes, Judge.

10 THE COURT: As far as you can understand, at least at
11 this point in time, there's nothing further for the Court to
12 inquire about or ask Mr. Weber about? You are satisfied he
13 understands all the dangers that are inherent in testifying?

14 MR. COMERFORD: I am, Judge.

15 THE COURT: And that I don't have to ask him
16 anything?

17 MR. COMERFORD: I agree.

18 THE COURT: Okay.

19 MR. COMERFORD: Thank you, Judge.

20 MS. KRESSE: Your Honor, it looks as if Mr. Weber has
21 a handful of papers that I -- the government has no idea what
22 those papers are, whether they have been marked as exhibits or
23 whether they are reference materials and you know --

24 THE COURT: I can assure you that if there's any need
25 for you to see them, it will be made available to you and

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1 you'll have as much time as needed to review them.

2 MS. KRESSE: But if Mr. Weber is going to be
3 referring to documents during his testimony that I don't have,
4 then --

5 THE COURT: Well, let's cross that bridge when we get
6 to it.

7 MS. KRESSE: Thank you, Judge.

8 (The witness was sworn at 9:35 am.)

9 THE CLERK: Please state your full name and spell
10 your first and last name for the record and make sure you
11 speak into the microphone.

12 THE WITNESS: Charles Weber, C-H-A-R-L-E-S,
13 W-E-B-E-R.

14 MR. COMERFORD: May I proceed, Judge?

15 THE COURT: Yes, please.

16

17 DIRECT EXAMINATION

18

19 BY MR. COMERFORD:

20 Q. Good morning, Dr. Weber.

21 A. Good morning.

22 Q. You provided me a list of questions this morning, is that
23 correct?

24 A. Yes.

25 Q. And that you wanted me to ask these questions as part of

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1 your competency hearing, that's correct?

2 A. Yes.

3 Q. Okay. So, the first question here, when did your somatic
4 complaints start? And I know you have these all together. I
5 am just going to break them up. So, when did your somatic
6 complaints start?

7 A. About 2012, I was in Phoenix, Arizona and we had a
8 baseball tournament out there. Some of us old guys get
9 together and decide to have a little fun for about a week.
10 And before one of the games, I was checking my email at the
11 computer in the lobby of the hotel and I really -- I got
12 dizzy and I didn't understand what it was. There were guys
13 that wanted to know if I wanted to go to breakfast. I said,
14 no. I walked for about two hours to walk it off and I didn't
15 understand what was going on.

16 Later on, we had a game and I went in to pitch and I
17 just did not feel well. It passed the next day. I didn't
18 pitch the next day. I pitched the following day. The third
19 day of the tournament, played against San Jose and I went to
20 the ninth inning and I felt better. I didn't have that
21 feeling again for a long time.

22 In 2013, it was bad. It was the same tournament out
23 in Arizona. I was catching -- at this time, I was catching a
24 guy that used to play football, kind of a AAA, was a good
25 thrower, good pitcher. And about the fourth inning, I had a

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1 hard time feeling my arms, my heart started to race and I
2 didn't know what was going on. I took off the catching gear
3 and just laid down on the bench for four or five innings.
4 They wanted to know if I wanted to go to the hospital. I
5 said, no. My heart was still racing. It slowed down a
6 little bit.

7 I went to a supermarket and picked up two gallons of
8 water and some -- a bottle of red cayenne pepper and I just
9 took a capsule of the red cayenne pepper with the water.
10 Slowly, things started to dissipate.

11 The next day, I was still a little dizzy, so I
12 didn't play the next day. Tuesday, I felt better and I
13 started playing more, but it was the red cayenne pepper that
14 really helped me out. It seemed to settle down the heart
15 rate. So, at that time, there was no diagnosis in 2013 and
16 later on -- I went to see the doctor later on that year.

17 Q. Was that your physician you saw?

18 A. I saw the physician first. They took blood tests and
19 when the blood tests came back, it came back normal. But
20 whatever I would eat, either immediately or a couple hours
21 after, my heart would start to race. So, the heart racing is
22 usually the result of my eating something.

23 Q. And then -- so, you got results from that doctor?

24 A. Yes. I went to the physician first and when I started
25 having more episodes -- I had gone to a seminar in 2012,

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1 earlier, about a year earlier and the reason I did that was
2 because one of my patients was a chiropractor and this fellow
3 came in one day and the guy looks great, I said, David, you
4 are always in good shape, but you look ripped. What's going
5 on? He's a chiropractor and he went on a two to three-week
6 cleansing program and -- because in his practice, he deals
7 with peoples' spines that are problematic.

8 So, sometimes, what he has to do is get people on a
9 diet to reduce their excess abdominal weight so he could work
10 on their back. So, he decided to go on the program before he
11 put his patients on the program. His wife came in a week
12 later. She looks great. I go, what are you guys doing. So
13 they told me and I said whatever you are doing, I want to do,
14 because I had some weight I wanted to lose.

15 So, I went on this program and it was basically that
16 he gives you some liver detox pills and they are made out of
17 all natural supplements. They put you on a whey protein
18 that's purified and then, you eat vegetables. And it's just
19 a very solid nutritional basis to get some of the toxins that
20 are built up in your system. So, I did that and I was -- at
21 the time, I was 235. Two days later, I am 225. And
22 eventually, I went all the way down to 215.

23 So, as a result of that -- as a result of me
24 ordering that product, I saw the rep. The rep came in and
25 says, you might want to check out this muscle testing

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1 program. So, I said all right. I'll do that. And the
2 muscle testing program was after my trip to Arizona in 2012.
3 So, I had done a fair amount of pitching and right after that
4 was the seminar. And in the seminar, we had mostly
5 naturopathic contractors. There was a pharmacist there and
6 there was another dentist that I paired up with. So, he was
7 going there for review. I was going there for the first
8 time.

9 Well, he just did a basic body scan as part of his
10 training and the first thing he says is to me is, what's
11 going on with your right arm? I said, what do you mean? He
12 said, it's weak. I said yeah, I just spent a week pitching.

13 Earlier, in my earlier life, it was either me going
14 to dental school or getting drafted. I was being scouted by
15 a number of teams. I had a fastball between 88 and 92. But
16 an injury in my senior year prohibited me from going any
17 further. So, to this day, I still can't bend my arm. I have
18 bone chips in my arm and I still can't extend my arm.

19 Anyhow, I said well, I just finished pitching a
20 week. He said. I can tell. So. He picked this up without
21 any x-rays. He had never known me before. He had never met
22 me before. Then, I had a body scan done by the person what
23 was conducting the seminar. She was a naturopath from
24 New York. And she picked up, you know, what's going on with
25 your left kidney? I said, I have a history of kidney stones.

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1 To this day, I think I have had five surgical procedures to
2 just remove kidney stones. Some of them are lithotripsies
3 where it's not invasive. Some of it, they had to put me
4 under, throw a tube up in me and I have a device put in my
5 ureter to open up the ureter between the kidney and the
6 bladder so that any stones will go through and it's very
7 uncomfortable.

8 So, she picked that right up. Now, these are two
9 people who are skilled in a technique that physicians don't
10 know. So, I went through this program with the nutritionist
11 in 2013 where they found out certain things by doing the
12 muscle testing and it helped me quite a bit. It's not
13 failsafe. It's a technique to help you out.

14 So, I want to make this perfectly clear. I still
15 saw my regular physician and he was all for that. My regular
16 physician, although I haven't seen him in a few years, is a
17 man named David Miller. He is from Jamaica. He is
18 wonderful. He works with me. He trusts me. I trust him.
19 So, I don't know. Like I said, I haven't seen him in a few
20 years, but we have good rapport and I trust his judgment.

21 So, we worked together. I used the nutritional
22 supports because it's really for both our benefits. And the
23 reason why we do the nutritional supports and supplements is
24 just simply this: Through the agricultural farming methods
25 that we have in our country today, they're constantly

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1 pounding the soil with increased yields, which means you put
2 the crop together more closely. That deprives the soil of
3 the nutrients and the minerals. All they are doing is taking
4 those products in a capsulated or a pill form that have been
5 dehydrated and taking them to make up for what our foods are
6 missing. And it's common knowledge. It's not anything
7 that's secret. We -- everybody knows or should know the
8 mineral composition of our soils has been comprised.

9 So, I don't want to be characterized as somebody who
10 has an extreme view of medicine. It's just -- it has its
11 proper place. There are some very good things about the
12 medical profession and there are some things that I found out
13 that are not so good.

14 Q. Dr. Cervantes talked about something with your pancreas.
15 Do you have any comment on that?

16 A. Well, it appears at this time that my pancreas is
17 underperforming and the reason I say that -- and it has to do
18 with some of the symptoms that I just described. I don't do
19 so well when I eat things like bread; if I have a candy bar.
20 I stay away from all donuts, crackers, pretzels. I have
21 to -- I take a supplement to break it down. And I also to
22 help with the -- my body's reaction to it, the glycemic
23 reaction, I take cinnamon. It's a natural assist to your
24 insulin. It increases the ability of insulin to handle your
25 sugar, your carbohydrate loads in the bloodstream.

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1 So, one of the problems that we researched when I
2 found out that I had the mercury in the body was that mercury
3 somehow has an effect on the proteolytic or the enzymes that
4 help digest you carbohydrates that make insulin effective.

5 In other words, if you go into the biochemical
6 backgrounds and the 3D structures of your enzymes and even
7 through your immune system, it is a three-dimensional fit.
8 It's almost like a lock and key fit. Your antibodies have
9 certain receptor sites that perceive and recognize antigens
10 and toxins and the same with your enzymes that are produced
11 by the pancreas.

12 So, if they are -- if mercury gets into these
13 molecules, which it has an affinity for -- in other words,
14 mercury has an affinity for certain bonds. Going to organic
15 chemistry, some elements are more attractive than others, but
16 if the mercury gets into these bonds in the pancreatic
17 enzymes, it can distort the 3D molecular figure. And so, if
18 that happens, your enzymes are not going to be effective in
19 metabolizing the glucose or the sugars in your bloodstream,
20 so it gets into your cells, it does get into your brain.

21 And if your body is deprived of that -- and like I
22 have, I do get dizzy at times, but it's -- usually, it's not
23 based on nerves. It's based on food. It always, always,
24 always happens after food. Always.

25 Q. Was it -- she testified that you had told her there was

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1 something with the wireless router in your house?

2 A. Oh, okay. Well, one of the times I went in, within the

3 last summer and I hadn't been in for two years, I tested out

4 for radiation in the pancreas. Now, this is the first time

5 that that came up and the explanation for that is, when you

6 go through this -- it's basically a test for your autonomic

7 nervous system competency and it does not always show things

8 initially, but as you -- it prioritizes your needs. So, this

9 didn't show up initially. It showed up last summer.

10 We don't know at this time what caused it. It could

11 have been a faulty x-ray machine in my office, which is

12 possible because one of the master circuit boards went out

13 without us knowing it and I had to get it repaired. The

14 other thing that is possible is when I do my computer work,

15 I'll do it on a desk like this, but when I get tired of that,

16 I'll go to the bed and lay back and place the computer on my

17 chest.

18 Now, if I am using a wireless router, the wireless

19 router is going to bring in the transmission -- I don't know

20 how to describe it by -- the transmission of the radio waves

21 into a certain portal. And if that portal is near when I am

22 laying on my chest, I am going to get ionizing radiation. We

23 don't know if that's true. I don't know if that's true. I

24 don't know if that's the cause. I just took a precaution to

25 take an ethernet cable and hardwire the connection to the

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1 router. So, I will literally turn off the router and I will
2 take my ethernet and put it right into the -- I can't
3 remember the name of the device. It has a cable going into
4 it.

5 Q. The router?

6 A. Not the router, no. The modem. Is that the right word?

7 Q. Yes.

8 A. Okay. So. I'll get rid of the router, but see, I don't
9 live in my own house, so they use a router for other
10 purposes. So, at night, I turn it off and -- but when other
11 people in the house are using it, I have to just get the hell
12 out of the way.

13 Q. And I'll move on in a second, but did you have concerns
14 about -- any similar concerns about your ankle bracelet?

15 A. I did one day and I don't know what happened. My leg
16 started to -- it almost went numb up to my knee and I don't
17 know what it was. It went away in about three or four hours.
18 I talked to Peter, the parole officer and I explained I may
19 have to come down and get it taken off or changed or
20 whatever. I didn't know what to do.

21 Q. Is that Peter Lepiane?

22 A. Yes. Yes. He's a nice guy. We had a good rapport
23 going. He's a straight arrow. I like him.

24 Q. Moving on to your next question, what are your views on
25 the allegation of being characterized as a "sovereign

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1 citizen"?

2 A. Well, I guess the first thing you have to realize is
3 which citizen are they talking about; citizen of the
4 United States or the Fourteenth Amendment or citizen of the
5 sovereign states? That's never really been put forth in
6 testimony and I'll just read it straight from a court case.

7 MS. KRESSE: Your Honor --

8 THE WITNESS: Like the citizens --

9 MS. KRESSE: Objection.

10 THE COURT: Sustained.

11 THE WITNESS: Why? Excuse me.

12 THE COURT: Just ask the next question,
13 Mr. Comerford. I don't give explanations. I make rulings.

14 BY MR. COMERFORD:

15 Q. What is your -- without reading from something,
16 Dr. Weber, without reading from something you have prepared,
17 what are your views on being characterized as a sovereign
18 citizen; you personally, not reading from something?

19 A. Well, I was just going to use that as background, but
20 I'll move on. The Court cases that I am referring to are
21 Supreme Court cases or court cases that cite court cases,
22 Supreme Court cases. And this one is citing the
23 *Slaughterhouse* cases, which were approximately in the 1870's.
24 And this case was a Susan B. Anthony case. And in the Susan
25 B. Anthony case, she was arrested for voting and she promoted

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1 the fact that as a citizen of the United States, she had the
2 right to vote. And the Court said no, the citizen of the
3 United States does not apply to you and your right to vote.
4 Your elected franchise is not in the United States
5 Constitution for you. It's in your New York State
6 Constitution. And so, she was denied that right.

7 And they explained that the citizens of the
8 United States have privileges and immunities that are
9 different than the privileges and immunities from the
10 citizens of the several States, their rights are not
11 protected by the Fourteenth Amendment and that is what was
12 held in the *Slaughterhouse* cases.

13 It's been held in other cases since then too, the
14 *United States v. Quickshank*, *Twining v. New Jersey*, *Maxwell*
15 *v. Dow*. You have *Toshiro vs. Georgia*. And recently, you
16 have the case of *Demer v. Jones* in 1993. It's well-known
17 that the two are not equivalent.

18 Q. Now, in 2015, did you make a discovery demand on the U.S.
19 Attorney?

20 A. Yes, I did.

21 Q. What was that about?

22 A. The demand was to produce a statute where the people were
23 made liable for any income taxes and where the term "the
24 people" were actually introduced.

25 Q. And what -- was there a hearing on that motion?

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1 A. There was a hearing, yes.

2 Q. And what happened in that?

3 A. Well, the -- I brought up the fact that -- well, first,
4 the answer to that from the U.S. Attorney was that there
5 wasn't any that existed, that people are never mentioned in
6 statutes, or something to that effect. And after had she
7 made the answer, I countered and said no, no, that's not
8 true, because when the states or the territories were making
9 a petition to the people for inclusion into the statehood,
10 that would petition the people and I brought out certain
11 examples of that.

12 So, in other words, what they were doing was the
13 first 13 states that formed the union would accept the
14 petition on territories. They would have 60,000 or more
15 citizens in that territory and then they would set up their
16 government, their judicial system and their executive system
17 and then they would apply it to the people. And the people
18 would either approve or disprove of the application.

19 And when they did approve, the enabling acts were
20 brought forth. And the enabling acts brought those
21 territories into statehood under the Constitutional scheme
22 and that they would be on equal footing with the original 13
23 states.

24 And then at that time, the result of that motion was
25 that it was granted in part and denied in part. Now, at that

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1 time, I don't believe that Judge Scott had my genealogy to
2 prove that I was posterior people and I think that came in a
3 month or so later. So, when I did receive the answer, he
4 inside it in part and granted it in part. So, I wrote an
5 objection and then the objection, they answered that from the
6 U.S. Attorney. She stated that, yes, okay, you are one of
7 the people, but you do owe -- you know, why don't you owe
8 federal income tax?

9 And my answer to that was -- and I don't know if
10 it's ever really been heard today. I don't think we have
11 heard it. My answer to that was well, under Subchapter A of
12 Title 26 in the Code of Federal Regulations, the implemented
13 statute on Section 1.1 specifically limits individual income
14 taxes to citizens of the United States or residents -- or
15 citizens and residents of the United States.

16 The people are not there. It had nothing to do with
17 the citizens of the several States. Only -- in our
18 situation, only the Fourteenth Amendment citizens, which
19 brings up a problem because in order to be a Fourteenth
20 Amendment citizen, you have to be naturalized. Congress only
21 has one power to naturalize anybody and that's to naturalize
22 aliens.

23 And the conditions at birth that cause the
24 Fourteenth Amendment to be attached are located in Title 8,
25 Section 1401 through 1409. And that -- the allegation of me

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1 being a Fourteenth Amendment citizen has never been supported
2 by any of those conditions or anything else by the U.S.
3 Attorney. So, right now as it stands, the Fourteenth
4 Amendment citizenship that they accuse me of being has never
5 been supported.

6 Q. Your next question deals with the allegations that your
7 views on medical care and supplements are extreme. That's
8 something I think you already talked about, right?

9 A. Well, yeah, that is -- I did a little bit. There is a
10 little bit more.

11 Q. If you have an exhibit, maybe I can show it to the
12 government and then offer it and we'll see if it's relevant
13 or not.

14 A. I'll explain it very simply.

15 Q. Why don't you let me show it to her?

16 A. Oh, okay.

17 MR. COMERFORD: Judge, I will mark this as
18 Defendant's Exhibit 5. I'm handing it back to the witness.
19 (Defendant's Exhibit 5 marked for identification.)

20
21 BY MR. COMERFORD:

22 Q. So, what is that that you showed me?

23 A. This is an ad that apparently used to be quite prevalent
24 in magazines back in the time when -- there's a Camel
25 cigarette ad. And at that time, if you read the history --

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1 Q. Can I stop you for one second? Maybe I'll put it on the
2 monitor. And this isn't in evidence yet; just so everyone
3 can kind of see what you are talking about. I am going to
4 take it out of the -- so tell me again, what is this?

5 A. This is an ad for Camel cigarettes and this is typical of
6 that time. The different tobacco companies were fairly
7 competitive and looking for market share. And so, what Camel
8 came up with was to -- this more doctors campaign. More
9 doctors smoke Camels than any other cigarettes.

10 And it goes on to say, "Doctors in every branch of
11 medicine were asked what cigarette do you smoke." The brand
12 named most was Camel. And then they talk about how cool --
13 what kind of cool mists they have, rich full flavor pack
14 after pack and how they sooth your throat as a steady smoke.
15 Then, they have a couple movie stars at the bottom Maureen
16 O'Hara, Robert Bellamy. I know of Maureen O'Hara. I don't
17 know of the other two.

18 Q. What does this have to do with anything?

19 A. Right. You have doctors promoting a carcinogenic
20 material. And so, what people have to understand is
21 sometimes, doctors make mistakes and you are responsible for
22 whatever type of treatment that your doctor promotes and you
23 are responsible ultimately for your own health. Now, this is
24 a misleading statement. As we all know, back in the '80s or
25 '90s, there was a huge lawsuit against the smoking, the

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1 tobacco companies and they paid states reparations -- I am
2 not sure of the legal term, but there are some things that
3 doctors promote that are unhealthy for you. So, while there
4 are good things about the medical profession, you know,
5 sometimes, there are some things that doctors promote that
6 are not so good.

7 Q. Okay. So, this is kind of -- informed your opinion about
8 where medicine is today and alternative medicines and things
9 like that?

10 A. Well, it does. And also on my sheet there, you'll see a
11 mention of the drug Vioxx. Now, I had a front row seat with
12 one of my patients to the Vioxx problems. He's a young kid
13 from the area, went to school in the midwest and after
14 graduation, he and his fiance went to Washington, D.C. and he
15 worked on Capitol Hill. He worked for the Senate Majority of
16 the finance committee Charles Grassley during the Vioxx
17 scandal.

18 Vioxx was a drug and that drug was supposedly safe.
19 It went through all the FDA safeguards and was passed as a
20 safe drug. Well, all the heart attacks that were caused by
21 this drug were an embarrassment and people died. So, this --
22 my patient, this young man's job was to interview the
23 pharmaceutical company. I believe it was Merck. I'm not
24 sure, but he would go over certain aspects and ask questions
25 of these pharmaceutical companies. Then, it had to do with

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1 the testing protocol. There's usually about three or four
2 different testing protocols that a drug has to go through to
3 get approved. I am not similar with everything. I just know
4 it generically. He found out that he was being shutdown. He
5 couldn't get answers that Senator Grassley wanted. And
6 ultimately, he told me he stated that Senator Grassley was
7 the chairman sued the FDA for answers. The FDA being a
8 separate branch of the government was not liable for the
9 answers and the suit was shot down.

10 And the statement to me was quite -- well, it was
11 educational. And basically, what he said -- and I am
12 paraphrasing here -- that the FDA is not interested primarily
13 in patient safety. When push comes to shove, they're going
14 to choose profits in the pharmaceutical industry. He was
15 disgusted about it.

16 He said other than that, he loved his job. He said
17 he dealt with Americans every day in his capacity as a
18 staffer and he said I am just so proud of working in D.C.
19 for people that want to do good for this country. He said,
20 other days I deal with these other issues that are -- he just
21 feels -- he said I got to take a shower at the end of the
22 day, I feel so dirty. I just don't want to deal with some
23 people. So, I learned a little bit about how the FDA works
24 there and I learned a little bit how Washington works.

25 I had another patient who was a retired Philharmonic

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1 player here in Buffalo and he had a condition called
2 Dupuytren's. Now, Dupuytren's for the people that know it is
3 otherwise known as trigger finger. And trigger finger looks
4 something like this (indicating). Can you see that where the
5 last two or three fingers are curled into palm?

6 And what that is, Dupuytren's Syndrome has a large
7 amount of collagen that is placed -- or it overgrows and the
8 only way to restore your full function of those digits is to
9 go through a surgical procedure where basically it's a
10 dissection. The surgeon has to hold back the hand, the skin
11 on the hand, palm of hand and he has to go in there and has
12 to dissect all the extra collagen fiber numbers that are
13 there. So, if I may make a crude analogy, it's almost like
14 going into the jungle and cleaning it away with a machete.

15 There was another drug that was introduced and he
16 was part of that study. The study was in Stony Brook and the
17 study involved an enzyme called Collagenase. Collagenase
18 breaks down collagen. And they would inject it in certain
19 digits and one afternoon, they would bring the patient, the
20 next day, back into the office and they would attempt to
21 straighten his finger out.

22 And so, what would happen is it was successful, the
23 Collagenase would go in there and it would snap the bands of
24 the collagen, the network fiber in excess and that were
25 broken down by the enzyme.

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1 Q. And you have similar views on vaccines and statin drugs.

2 Can you talk briefly about that?

3 A. I don't have a problem with vaccines. The vaccines are
4 good. It's the spacing apart, but it's the additives they
5 put in there, the aluminum. Aluminum causes -- my term is
6 apoptosis. If it gets into a brain cell, which they have an
7 affinity for, it will destroy the brain cell.

8 Aluminum -- or mercury is one of the most toxic
9 neurotoxins known to mankind. Also, they have what they call
10 adjuvant, which is an immunological accelerator to kick in
11 your immune system. And one is named squalene and sometimes,
12 the immune system overreacts. So, it is not necessarily the
13 vaccine itself. It is the additives that are causing
14 problem. And right now, there's a vaccine court. I believe
15 it's in D.C. and the last time I heard, they were paying out
16 \$4 billion in vaccine injuries.

17 Q. And what about statin drugs?

18 A. Statin drugs are the cholesterol drugs and they, over
19 along period of time have, been known to cause a few
20 problems. Actually, one of the problems is diabetes. They
21 actually induce diabetes, I guess get a Type 2 diabetes. And
22 the other one is hardening of the arteries. A third
23 consequence of using those cholesterol drugs is a condition
24 called rhabdomyolysis and rhabdomyolysis is almost like a
25 chemical blender on your muscles. It breaks down your muscle

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1 tissues.

2 I had a patient that had to be taken off of -- I
3 think it was Lipitor. My memory may be a little bit faulty
4 on that, but she had to go to Johns Hopkins because her
5 immune system -- or muscular system just shut down. She
6 couldn't walk from the parking lot into my office. So, she
7 had to go to John Hopkins. And I think they studied her and
8 I think they put her on the protocol of steroid therapy for a
9 while. I think she had to go back and forth between here an
10 there.

11 Q. Now, you already told us about the muscle testing and why
12 that's useful, right?

13 A. Yes.

14 Q. Now, the government has used Southern Poverty Law Center
15 technique labelling some Americans as sovereign citizens,
16 thereby -- so let me rephrase this. So, you disagree with
17 the Southern Poverty Law Center's label of sovereign citizen
18 as anti-government "lunatics", is that accurate?

19 A. Yes. The Southern Poverty Law Center is an interesting
20 organization. The man that started named Morris Dees,
21 D-E-E-S. And initially, he was a crusader for civil rights,
22 which is great. I mean, he did the right thing. He brought
23 some civil right actions against Ku Klux Klan members and it
24 was very successful. So, he started off great. And what he
25 did was he based his lawsuits on the hate group basis, not --

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1 I don't know anything particularly about that. I just read
2 his history, but his business model was set up on the
3 formation of hate groups and taking them down. And if it's a
4 legitimate hate group, that's fine. But what he did was,
5 besides his law practice, along side that in parallel, he had
6 a mail order business that I read about.

7 And his mail order business used to do shotgun
8 mailing and basically, you know, alert people to these so-
9 called hate groups and that, you know, you need to -- we will
10 accept donations and fight them on your behalf.

11 Lately, he has sort of gone overboard and crossed
12 the line and I believe that I read an article where he had a
13 banner of the Southern Poverty Law Center on the FBI's
14 website and the FBI just -- apparently, he had crossed the
15 line and they removed it from the website. This is a man who
16 apparently is on his fifth wife. He's a little bit on an ego
17 trip, it looks like and I think maybe he has lost course. If
18 he went back to doing pure civil rights movement, I think he
19 would fall back in the good graces of people and become more
20 legitimate.

21 Q. So, would you agree or disagree that you are anti-
22 government?

23 A. No. My forefathers started this government. I just want
24 it to return to the way it is supposed to be. I would never
25 be anti-government. I want the government that my

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1 forefathers helped create. Those are my grandfathers, my
2 great-grandfathers.

3 Q. And Dr. Cervantes talked about -- I guess what you say
4 here is the overreliance of diagnostic imaging modality to
5 make a determination of fact leading to a viable diagnosis.
6 Can you please explain what that means?

7 A. I think I actually agree with Dr. Cervantes on that, when
8 she was talking about the MRI. In my profession, we would
9 have x-rays that would come back negative or normal or
10 negative and apparently normal, but the patients would have
11 problem.

12 And one of the -- and just as an example of that, my
13 cousin is a quadriplegic and after his -- he failed to find a
14 dentist that was going to help him out, so I said, look, come
15 to my office. I'll do what I can, see what I can do. He
16 works in a library and he does data entry, but he can only do
17 data entry with a maxillary mouth piece that has an extension
18 on it.

19 And over the years, because he has to keep his teeth
20 clenched in order to do the data entry for the library,
21 there's a long-term pressure on those roots and his
22 complaints was that his teeth were so sore and sensitive, he
23 couldn't chew. Hot and cold bothered him. And the dentists
24 that were treating him apparently couldn't find anything
25 wrong.

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1 So, I said well, come on in and I said -- like I
2 said, he's in a wheelchair and we put planks to get up to the
3 front door and he would have to hire a healthcare worker.
4 We'd have to pick him up and put him in the chair because he
5 couldn't move and I would shut the whole office down just to
6 see him. I ended up treating him with four or five root
7 canals that did the trick, but nothing showed up on the
8 x-rays.

9 And it just goes to the general advice that was
10 given to us years ago by one of the best teachers I ever had
11 Dr. Allen, someone from Great Britain. He said, always
12 observe your patient and listen to them. Listen to your
13 patient and you know, don't just rely on one test. You have
14 got to put everything together.

15 That also happened recently with my mother. She
16 needed a new heart valve. The tests that were being
17 conducted by the assistants and the nurses were forwarded to
18 the physician and they thought everything was great, but it
19 wasn't, because if you would observe my mother, she would
20 walk and she would run out of breath. So, we finally
21 convinced the doctor to take a look at her and it turns out,
22 they did further testing and she needed a new valve. The
23 valve was faulty.

24 The doctor didn't see my mother. He didn't observe
25 the patient. You need to observe the patient and take

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1 everything in total. You don't rely on just imaging, so I
2 agree with Dr. Cervantes on that.

3 Q. Okay. You agree with Dr. Antonius regarding the board
4 certified "credentialing letters" signifying additional
5 expertise. Can you please explain that?

6 A. Yeah. I have seen a lot of dental work over the years
7 and teaching up at UB, I was exposed to some of the best,
8 most skilled dentists around. If you go into a prosthetic
9 lab for the specialist there, or for the graduate students
10 there, you'll see -- and I won't mention their names
11 directly, but you'll see cases of some of the more prominent
12 citizens in our area and I have seen their work. I have also
13 seen the work of other specialists in the area and some of
14 their work is very good. Some of their work is not so good.

15 And you have some general practitioners who just happen
16 to have a certain talent or a certain interest in a specialty
17 and they have taken their talents to that specialty and
18 perform extremely well. And their -- when I compare the work
19 of one general practitioner sometimes over a specialist, the
20 work looks better from the general practitioner. Not always,
21 but the important thing is, it's not the letters after your
22 name, it's the skill you bring to your patients.

23 Q. Okay. And just before I forget, you told us that
24 Defendant's Exhibit 5 here had, I guess, contributed to your
25 understanding of questioning modern medicines, is that

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1 correct?

2 A. Is this number 5 right here?

3 Q. Yeah. It's something that you take into account in it,
4 right?

5 A. Right. It's not an overwhelming philosophy that
6 everything is bad, no. You have to understand what's going
7 on.

8 Q. Okay.

9 MR. COMERFORD: I'd move exhibit 5 into evidence,
10 Judge.

11 MS. KRESSE: No objection, Judge.

12 (Defendant's Exhibit 5 was received in evidence.)

13

14 BY MR. COMERFORD:

15 Q. And then the last question you have here, what was
16 your -- I guess, can you explain the name change petition and
17 by that I mean. The petition that you filed in State Supreme
18 Court I believe last summer?

19 A. Yes. The petition was made on three grounds. One is
20 there's talk about, you know, the all capital name and
21 sometimes it takes on a life of its own. And it occurred to
22 me over the years that whenever I go into a court case, I get
23 this all upper case name. That's not -- how is that related
24 to me? And I didn't understand. And to this day, I don't
25 understand 100 percent. I think I am getting a better

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1 understanding, but I just wanted to be known as my upper and
2 lower case name, not the all upper case name, whatever that
3 attachment has to me, because I am not sure what it is.

4 So, I petition the Court on three grounds; number
5 one, I want my name to be the name that my parents gave me,
6 not the name that somebody else gives me. Number two --
7 well, that's more Biblical. That's honor your mother and
8 father. Number two, I want a name that's a personal noun,
9 not a legal entity and number three, I wanted that name to
10 represent the fact that I was a citizen of the sovereign
11 states under Article 4, Section 2, Clause 1 of the
12 United States Constitution and under original jurisdiction of
13 the 1777 Constitution of New York.

14 And I did not consent to being in any way connected
15 to any legal term that designated me as a Fourteenth
16 Amendment citizen because the privileges and immunities are
17 different. The privileges and immunities of the Fourteenth
18 Amendment citizens do not include full access to the Bill of
19 Rights 1 through 8. They don't even include 9 and 10. They
20 are totally out on 9 and 10. One of the rights that our
21 forefathers fought for was to have those amendments on the
22 Bill of Rights applicable to the citizens of the several
23 States.

24 So, as it turns out, that all upper case name, you
25 can buy those names at the county clerk's office and it's

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1 what they call an assumed name. And it costs \$35. You fill
2 out an assumed name application form. You give your
3 certificate and you get to operate your business under that
4 name. And my question is, why would I want to operate under
5 my somebody else's name when I can operate a business on my
6 own?

7 And I looked back and I realize that when I was
8 setting up my practice out in Clarence that my attorney had
9 gotten an assumed name certificate for a DBA, doing business
10 as. And I really didn't understand what that meant. And
11 it's not your name. It's a name that somebody gives you or
12 you can buy and they can refer to you as. So, I just wanted
13 to be known as myself and I wanted to represent my political
14 status correctly and that's the reason for that.

15 Q. And that petition was granted?

16 A. That petition was granted.

17 Q. And what's your understanding of the legal effect of that
18 in terms of this proceeding?

19 A. It should be where if I am going to be brought under any
20 court action, I'll be brought under common law. Common law,
21 you are going to be in state court. I don't know if common
22 law is applicable here. And even if I am a citizen of the
23 several States, I don't even know if I am recognized here.

24 If you go into the criminal statutes of -- there's
25 this court case and it explains the difference between a

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1 citizen of the several States and a citizen of the State.
2 And the court case is *United States v. Powe*, P-O-W-E. And it
3 says when they construct the statute, the term "citizen"
4 means citizen of the United States, not person generally and
5 not that of a state. So, if that's true, why am I here?

6 Q. Given that, can you be convicted of these charges?

7 A. I don't believe so. If I believe that if the law is
8 applied, then I am innocent. And it has to do with the fact
9 that the Fourteenth Amendment just does not apply to me and
10 there's been no evidence supporting that allegation
11 whatsoever. It's not -- the evidence is not here. The U.S.
12 Attorney has not brought forth that evidence.

13 MR. COMERFORD: I have no further questions, Judge.

14

15 CROSS-EXAMINATION

16

17 BY MS. KRESSE:

18 Q. Good morning, Mr. Weber.

19 A. Name is Charles. Just call me Charles. No title. Is
20 that okay?

21 Q. I will call you Mr. Weber.

22 A. I prefer Charles, but whatever is legal.

23 Q. It's not a matter of legality or illegality. It's a
24 matter of respect and we're in a court of law and I will
25 refer to you as Mr. Weber. Sir, you understand that the

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1 proceedings that we have been involved in last Friday,
2 yesterday and today is a competency hearing?

3 A. Yes.

4 Q. You understand that we're here before the Court to
5 determine whether you are competent to stand trial?

6 A. Yes.

7 Q. You understand that in the event the Court determines
8 that you are competent to stand trial, the next issue is
9 whether or not you are competent to represent yourself at
10 trial. Do you understand that?

11 A. Correct.

12 Q. Do you know if the Court determines that you are not
13 competent to stand trial, that you will be sent to a facility
14 where you will be evaluated and you could be in custody for
15 up to four months?

16 A. I understand that's a possibility, but I do not consent
17 to that.

18 Q. But you understand if you are found to be not competent,
19 that's what happens?

20 A. It may happen. Like I said, I don't consent. I
21 understand that.

22 Q. But you understand that?

23 A. Yes.

24 Q. And you believe that you're competent to stand trial, do
25 you not?

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1 A. Yes.

2 Q. And you believe you're competent to represent yourself?

3 A. I believe so.

4 Q. And is it your desire to represent yourself going forward
5 in this matter?

6 A. If it has to go forward, yes.

7 Q. And when you say "if it has to go forward," are you
8 referring to the fact that you don't believe you can be tried
9 on the charges that have been brought against you?

10 A. I believe that there has not been any evidence to prove
11 your allegation I am a Fourteenth Amendment citizen.

12 Q. So, this goes back to your argument regarding what you
13 are a citizen of, correct?

14 A. Correct.

15 Q. Right. You say you are not a citizen of the
16 United States, correct?

17 A. Under the Fourteenth Amendment.

18 Q. And the arguments that you made regarding the Fourteenth
19 Amendment, those arguments were made before Magistrate Judge
20 Scott, were they not?

21 A. I don't know how far we got in that hearing because it
22 was cut short.

23 Q. Let me back up. You filed motions before Magistrate
24 Judge Scott in which you raise the argument regarding your
25 citizenship and regarding the Fourteenth Amendment, correct?

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1 A. To be honest, I don't remember that much about the
2 hearing. I remember a few things, but I don't remember --

3 Q. Sir, just so that I can be clear, what I am asking first
4 is not about the hearing. I am asking about the papers that
5 you filed, your motion, okay; not the hearing in front of the
6 judge.

7 A. Okay.

8 Q. So, before we got to the hearing before Judge Scott, do
9 you recall that you filed some motions, some papers, you
10 filed some papers?

11 A. Yes.

12 Q. Okay. And in those papers, you raised the argument
13 regarding your citizenship and the Fourteenth Amendment, did
14 you not?

15 A. I guess I would have to see the papers. I can't
16 recall specifically. I would have to see them.

17 Q. Your position all along has been that you are not a
18 citizen of the United States such that you are required to
19 pay income taxes, correct?

20 A. Correct.

21 Q. All right. And the basis for that belief goes back to
22 your interpretation of the Fourteenth Amendment, among other
23 things, correct?

24 A. No, it's not my interpretation. I read the court cases.
25 One of the them was the Susan B. Anthony court case and they

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1 said the same thing. Citizen of the states does not have the
2 same privileges and immunities of the citizens of the
3 Fourteenth Amendment.

4 Q. And that's your interpretation, sir; because, of course,
5 the law is something that has to be interpreted by the Court.
6 So, you understand that, right?

7 A. Well, I believe it already has been.

8 Q. But it is the role of the Court to interpret the laws,
9 you understand that? That's the role of the court?

10 A. Right.

11 Q. Okay. And you believe that under the Supreme Court cases
12 that you cite that the law has been interpreted in a
13 particular way?

14 A. Correct.

15 Q. Okay. At the hearing in front of Judge Scott, are you
16 suggesting that you were not -- that the issue of your
17 citizenship was not discussed?

18 A. I don't think I had my genealogy at that time to prove my
19 citizenship went all the way back to the 1600's here. I
20 don't think that that was available to Judge Scott at the
21 time.

22 Q. And you feel that your genealogy is relevant on the
23 issue, correct?

24 A. Absolutely.

25 Q. All right. But, again, that is a belief that you have

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1 regarding your ability to be tried of the charges that you
2 have been charged with?

3 A. Well, the Supreme Court speaks to birthright inheritance
4 of citizens of several States as opposed to the Fourteenth
5 Amendment is not birth right inheritance. The Fourteenth
6 Amendment is naturalization law.

7 Q. And these are ideas that you -- you didn't come up with
8 these ideas by yourself. You have done research, correct?

9 A. Correct.

10 Q. And some of your research has been research and websites
11 involving people who don't pay taxes, correct?

12 A. No. I go to UB Law School. I go to the O'Brien Center.
13 If you go to the O'Brien Center, the second floor, you'll see
14 that the federal stacks are right in the middle, the New York
15 State stacks are on the left and then you have other
16 accessory volumes like dictionaries and other --

17 Q. It turns out, I have been to the law library, but thank
18 you.

19 A. Well, I am just saying that I get my information from
20 various sources, not just from the Internet.

21 Q. And in 2006 -- what you told both Dr. Cervantes and
22 Dr. Antonius was that in 2006, you heard a radio broadcast
23 regarding taxes and how people did not have to pay taxes,
24 correct?

25 A. Yeah, a couple -- the last 45 seconds. I didn't hear the

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1 whole program. I heard the ending of it.

2 Q. And the program was about people telling people that
3 actually, you don't have to pay your taxes, correct?

4 A. Well, there was a claim that was made and when I heard
5 that, I was sitting in the car and I looked, I go, what are
6 you nuts? It has to be done.

7 Q. But that piqued your interest, didn't it?

8 A. Well, not really; not that one. As I was sitting there,
9 it was more -- the program was also about recruiting people
10 for the New York State Legislature. And that piqued my
11 interest more. I just happened to have a sheet of paper and
12 pencil and I wrote down the names of the two websites and I
13 put it in the consol and I didn't look at it for another
14 month or so.

15 Q. And one of the websites was We the People, correct?

16 A. That's correct, yes.

17 Q. And We the People is an organization of people who
18 profess that people are not required to pay their income
19 taxes, correct?

20 A. Yes. And they were former IRS agents.

21 Q. The question was, We the People is a group of people who
22 are -- what we would call tax protestors, correct?

23 A. No. No.

24 Q. Tax defiers?

25 A. No.

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1 Q. All right. So, you don't accept either of those terms?

2 A. No.

3 Q. They are just people that just don't pay their taxes?

4 A. No. They are people who want to know the truth about who
5 is liable for the --

6 Q. And do they pay their taxes?

7 A. I don't know.

8 Q. Okay. You, in 2006, were already having issues with the
9 IRS, were you not?

10 A. Apparently, I was. I couldn't remember, but you brought
11 that up yesterday and yes, but I don't -- my memory of that
12 was not so good.

13 Q. You didn't like to pay taxes, did you?

14 A. Nobody does.

15 Q. Well, I asked about you.

16 A. Right.

17 Q. You did not like to pay taxes, did you?

18 A. They don't prove --

19 Q. Just answer the question.

20 A. No. And I'll tell you the reason why.

21 Q. I just asked the question.

22 A. Right.

23 Q. You did not like to pay your taxes, did you?

24 A. I did not like to pay income taxes, no.

25 Q. Well, you don't pay income taxes now or you did not?

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1 A. I did back then, but they were on Schedule C, I believe.

2 Q. Past tense, because you don't pay your taxes now. You
3 haven't paid your taxes since 2005, right?

4 A. I don't believe I have any money markets that earn any
5 interests on that.

6 Q. Right, which is your position. So, when you were paying
7 taxes -- and the last tax return you filed was 2003 by
8 yourself. And when you were paying taxes, you didn't like
9 it, did you?

10 A. No.

11 MR. COMERFORD: I just object to Ms. Kresse
12 testifying about the last time he paid taxes.

13 THE COURT: Overruled.

14 BY MS. KRESSE:

15 Q. Was the last tax return you filed the tax return for the
16 tax year 2003?

17 A. I am going to say yes. I'll take your word for it.

18 Q. Well, don't take my word for it. If you don't know, you
19 don't know.

20 A. I don't know. I'm guessing.

21 Q. Okay. You made a fair amount of money as a dentist, did
22 you not?

23 A. Yes.

24 Q. And you had your own practice?

25 A. Yes.

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1 Q. So, you were earning a lot of money, correct?

2 A. About 140.

3 Q. And you didn't like to pay taxes on that, correct?

4 A. Well, I did. I mean, nobody likes to pay taxes, but I
5 did until I knew better.

6 Q. So, isn't it fair to say that you were looking for a
7 reason why you might not have to pay your taxes?

8 A. No.

9 Q. But the We the People website provided you with a reason,
10 did it not?

11 A. It was brought to my attention and I followed up on it,
12 but the only questions I followed up on was the fact that
13 when they held a hearing between the We the People
14 organization and the government and they had a list of 200
15 questions and the government was the IRS, the Treasury and
16 the Justice Department and it was sponsored by a member of
17 Congress. And once this meeting was supposedly held and the
18 200 questions was put by the We the People congress into the
19 government, the government backed out.

20 Q. Okay. I am not --

21 A. Why would they back out?

22 Q. Mr. Weber, try to answer the question that I am asking
23 you without going on to other explanations. Okay? We the
24 People website suggested ways that a person could not pay
25 their taxes, correct?

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1 A. I don't remember that. I just remember the arguments and
2 research that went into it and I decided to follow up on
3 that. I don't remember that part at all.

4 Q. And you followed up on it?

5 A. I followed up on the research.

6 Q. And you began to do your own research into We the People
7 and the other groups that did not believe in filing taxes,
8 correct?

9 A. I didn't really follow other groups. I just tried to
10 take the laws that I knew about and how they applied to me,
11 so I really wasn't following a group.

12 Q. Are you aware of the term "sovereign citizen"?

13 A. Yes.

14 Q. Do you consider yourself to be a sovereign citizen?

15 A. Under which I consider myself a sovereign.

16 Q. I am talking about the group; the ideology of sovereign
17 citizens. Are you familiar with that ideology?

18 A. It depends on the person's political status and it would
19 have to be on an individual basis. I cannot believe into a
20 group. I don't know them.

21 Q. So, in terms of -- in 2009, you filed two tax returns
22 with the IRS, correct?

23 A. I believe so, yes.

24 Q. And those are tax returns for 2006 and 2007. Do you
25 recall that?

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1 A. Yes.

2 Q. And both those tax returns are non-resident alien tax
3 returns, right?

4 A. Right.

5 Q. You were instructed at that time to file tax returns for
6 those tax years by the IRS. Do you recall that?

7 A. I don't recall that, no.

8 Q. Do you recall that there was a revenue agent with whom
9 you were working?

10 A. I had a visit from somebody.

11 Q. Was it a revenue agent?

12 A. Yes. Yes.

13 Q. Do you understand a revenue agent is an employee of the
14 Internal Revenue Service?

15 A. Yes.

16 Q. And you recall that that revenue agent was asking you
17 about the failure to file your income taxes for the tax years
18 2006 and 2007? Do you recall that, right?

19 A. I think he left a card and he's -- look, this is what you
20 have to do. That's about the best of my memory. You are
21 right, there was somebody that visited, but our meeting was
22 very brief, if I can remember correctly.

23 Q. But it was about your paying your taxes, wasn't it?

24 A. Yes. Yes.

25 Q. Okay. And do you recall that the revenue agent told you

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1 that you had a deadline for filing your 2006 and 2007
2 returns?

3 A. That, I don't remember.

4 Q. Do you remember that the revenue agent told you that not
5 only were the returns -- well, strike that, because you say
6 you don't remember that. Do you remember the revenue agent
7 telling you that you were to mail the tax returns to him at a
8 particular address?

9 A. I don't remember.

10 Q. Okay. And do you recall that when you did decide to file
11 your 2006 and 2007 tax returns, you mailed them to the basic
12 general IRS service center?

13 A. That's the only place I remember sending them to.

14 Q. And prior to 2000 -- prior to you filing your 2006 and
15 2007 returns, you had never before claimed that you were a
16 non-resident alien, had you?

17 A. That's correct.

18 Q. Because you paid your taxes and you marked the box that
19 you were a U.S. citizen, did you not?

20 A. I did.

21 Q. And so, suddenly, after you began doing research about
22 your rights as a Fourteenth Amendment citizen or whatever the
23 claim is -- I may not be getting it completely correct -- you
24 come up with a method by which you think that you do not have
25 to file or pay taxes, correct?

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1 A. I don't know if it was a method. I just tried to apply
2 the law as I knew it at that time and I tried to figure out
3 what form to fill out, because the 1040 apparently when it
4 says U.S. citizen, it does not tell which one. It does not
5 tell you if you're a Fourteenth Amendment or a citizen of the
6 several States. So, at the time, I found out I was making
7 mistakes all these years by declaring myself a U.S. citizen
8 and that's my honest-to-God opinion. I was making a mistake
9 all those years.

10 Q. So, you unlike your family members and your parents, you
11 are not a U.S. citizen?

12 A. That's up -- you know, I don't make declarations for
13 anybody else. I remember we used to have discussions about
14 it and after a while people go, Charlie, you may be right.
15 There's something funny going on here, but they wouldn't ever
16 go any further than that.

17 Q. You would agree, sir, that most people do not believe
18 that if they're born in the United States and raised in the
19 United States and work in the United States that they are not
20 citizens the United States, correct?

21 A. Well, which one? There's two citizenships. How do you
22 know to fill out the form? I am trying to get the answer
23 from you. Which one?

24 Q. And I am asking you, do most people believe there are two
25 kinds of citizens? That's what I am asking you.

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1 A. I don't know. I think they think -- the original citizen
2 of the United States, it was set out in the Constitution.

3 Q. Sir --

4 A. It only meant one thing.

5 Q. I am not asking you about your explanation of
6 citizenship. I am asking you if your opinion about your
7 citizenship, for example, is the majority opinion held by
8 most Americans?

9 A. I guess not.

10 Q. Well, you guess not because most people pay their taxes,
11 don't they?

12 A. Well, but they also don't do research either.

13 Q. You were present and you heard the testimony of
14 Dr. Antonius, correct?

15 A. Yes.

16 Q. And you understand that it's his opinion to a reasonable
17 degree of medical certainty that you are competent to stand
18 trial, correct?

19 A. Mm-hmm.

20 Q. You have to answer yes or no.

21 A. I'm sorry. Yes.

22 Q. And you understand that Dr. Antonius' opinion to a
23 reasonable degree of medical certainty is that you are also
24 competent to represent yourself if you chose do so?

25 A. Yes.

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1 Q. You were present and you heard the testimony of
2 Dr. Cervantes, correct?

3 A. Yes.

4 Q. And Dr. Cervantes is a -- she was hired by the defense to
5 evaluate you and make a determination regarding your ability
6 to, in part, stand trial, correct?

7 A. Yes.

8 Q. And you understand that it was her opinion to a
9 reasonable degree of medical certainty that you are not
10 competent to stand trial?

11 A. Correct.

12 Q. And you understand that it is her opinion to a reasonable
13 degree of medical certainty that you are not competent to
14 represent yourself, correct?

15 A. Correct.

16 Q. And you disagree with that, do you not?

17 A. Yes, I do.

18 Q. And you feel that you're competent to go to trial?

19 A. Yes.

20 Q. And you feel that you are competent to represent
21 yourself?

22 A. Yes.

23 Q. Going back to the arguments that you made before the
24 magistrate court regarding your citizenship and now we're
25 talking about Judge Scott. Do you understand what I am

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1 referring to?

2 A. Yes.

3 Q. And Judge Scott issued a decision, a report and
4 recommendation is what the specific term is, in which he
5 recommended denying your motion to dismiss based on your
6 citizenship argument. Do you recall that?

7 A. Well, one was denied in part, but granted in part.

8 Q. You had made a motion essentially arguing that you could
9 not be prosecuted in this court for a number of reasons
10 including your citizenship, correct?

11 A. Yes.

12 Q. And that was recommended to be denied by Judge Scott, was
13 it not?

14 A. I haven't seen in that in about two and a half years and
15 so, I would have to go over those papers. I just thought of
16 it the other day and I told Brian about it. I just
17 remembered and I think those papers are in storage, so I'd
18 have to go get them.

19 Q. But you are here today in federal court, correct?

20 A. Yes.

21 Q. So, presumably, the motion was denied?

22 A. When I made my objections, I don't think that was ever
23 heard in court.

24 Q. Okay. And so, when you refer to the objections, you are
25 referring to after there was a decision by Judge Scott, you

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1 filed objections and they came before this court, Judge
2 Arcara. Do you recall that?

3 A. I remember I came before here, but I don't remember the
4 specific -- what was done.

5 Q. Okay. But you remember filing something called
6 objections?

7 A. For Judge Scott, yes.

8 Q. In front of Judge Scott?

9 A. Yes.

10 Q. Do you recall filing objections to Judge Arcara regarding
11 Judge Scott's decision?

12 A. I don't know.

13 Q. And your testimony is that all of these records regarding
14 your case, your prior filings are in storage somewhere?

15 A. I believe so, yes.

16 Q. And prior to your testimony here, you didn't review them
17 to see what had happened previously in this case?

18 A. No, I -- when you said it yesterday, I remembered it and
19 I told Brian about it and I said I think that there's some
20 issues here that haven't been brought up to this court. And
21 I don't think all the information was in for Judge Scott and
22 there's been additional information since then.

23 Q. But we are now in front of Judge Arcara, the District
24 Court Judge?

25 A. Right.

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1 Q. And you recall in October of 2015, this case was
2 scheduled to go to trial? Do you recall that?

3 A. Yes.

4 Q. And at the time, you were going to represent yourself.
5 Do you remember that?

6 A. Right.

7 Q. And then at the last moment, I think it was a day or two
8 before jury selection, you decided that you would prefer to
9 proceed with Mr. Comerford as your attorney. Do you recall
10 that?

11 A. I don't think it was with Mr. Comerford at the time. I
12 think we tried to go outside to get an attorney, a private
13 attorney.

14 Q. I stand corrected. I do recall that. You wanted an
15 opportunity to see if you could find an attorney to represent
16 you?

17 A. Right.

18 Q. And ultimately -- I apologize for that. And ultimately,
19 you were not able to find somebody to represent yourself,
20 correct?

21 A. Correct.

22 Q. And you have consulted with lawyers about your legal
23 theory in this case, have you not?

24 A. Yes.

25 Q. And you were unable to find a lawyer who would represent

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1 you making the legal arguments you wished to make, correct?

2 A. Correct.

3 Q. And so, ultimately -- I'm not going to put a timeframe on
4 it but, ultimately, Mr. Comerford became your attorney?

5 A. Yes.

6 Q. All right. And since that time, again, whenever that
7 was, you have worked with Mr. Comerford in terms of this case
8 and moving it forward, have you not?

9 A. So far, yes. Yes.

10 Q. And it was Mr. Comerford's suggestion that you undergo an
11 evaluation by Dr. Cervantes, was it not?

12 A. Yes.

13 Q. And you agreed to do so?

14 A. Yes.

15 Q. And because -- and isn't it true that you understand that
16 Mr. Comerford has an understanding of the legal system that's
17 better than your understanding of the legal system?

18 A. I believe he knows more about court procedure,
19 definitely. I did have a misunderstanding about the purpose
20 of the psychiatric evaluations. My thoughts were that I was
21 going to undergo psychiatric evaluations to see if I was
22 telling the truth about my beliefs. I didn't understand it
23 was really -- I thought that, you know, that it was about
24 whether or not I was being truthful to the Court about my
25 statements and my research. I really didn't understand at

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1 that time it was for mental competency, that there might be
2 some kind of psychological event that would prevent me from
3 doing this. So, initially, I thought it was -- it took on a
4 life of its own that was different than my initial
5 understanding.

6 Q. And just to go back, you heard Dr. Cervantes talk about
7 her first report that she did. Do you remember?

8 A. Vaguely.

9 Q. Okay. And if you want, I can hand you the exhibits, if
10 you would prefer, but Dr. Cervantes issued an initial report
11 in October of 2016. Does that sound right to you?

12 A. I know I went there, but I don't think we had the reports
13 until later on that year or early next year.

14 Q. Well, just because I think it's better if you have the
15 documents in front of you --

16 MS. KRESSE: Your Honor, if I could approach?

17 THE COURT: Yes.

18 BY MS. KRESSE:

19 Q. Mr. Weber, I am handing you a number of exhibits, Exhibit
20 1 -- these are all in evidence -- Exhibit 2, Exhibit 3. All
21 right. You can take a look at those. Are you good?

22 A. I am looking at them. I am looking at the October 30th.

23 Q. And you see that that's marked as Government Exhibit 2,
24 correct?

25 A. Yes.

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1 Q. Okay. And you see that the date on it, the date of the
2 report, not the date on which she saw you, but the date of
3 the report is October 30th of 2016?

4 A. Yes.

5 Q. And in that initial report, Dr. Cervantes does not talk
6 about whether or not you are competent to stand trial. Do
7 you recall that?

8 A. You know, yesterday, I am going to have to admit I was
9 listening, but it was hard to follow and testimony got a
10 little dry, too, so I was basically here just -- I was
11 writing my own thoughts about other things. So, was I
12 listening to her testimony? Not really. She was almost
13 putting me to sleep. I hate to say it.

14 Q. All right. And what I want to touch on is that you
15 indicated that your understanding initially was that you were
16 just going to be evaluated in terms of the validity of your
17 beliefs and the legitimacy of your beliefs in terms of that
18 you truly believe it?

19 A. Yes, the truthfulness of what I held.

20 Q. And your testimony is that you're not sure whether or not
21 your competency was evaluated by Dr. Cervantes in her first
22 report, Government Exhibit 2?

23 A. No, I never read it.

24 Q. Okay.

25 A. I never read that.

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1 Q. You were present for the testimony of Dr. Antonius,
2 right?

3 A. Yes.

4 Q. And in terms of Dr. Antonius' testimony, do you recall
5 that part of his evaluation of you was to determine whether
6 you were competent to stand trial?

7 A. Yes.

8 Q. And he made a determination in his report, which is
9 Government Exhibit 1, which is in front of you, that you were
10 competent to stand trial?

11 A. Yes. I was able to follow his testimony. It was a
12 little bit more interesting.

13 Q. And then Dr. Cervantes interviewed you after the report
14 by Dr. Antonius, correct?

15 A. Yes.

16 Q. And issued a -- what she called an addendum to her
17 forensic examination. Do you recall that?

18 A. Yes. Is that number 3?

19 Q. Yes, it is. Government Exhibit 3 and you have that in
20 front of you, right?

21 A. Yes.

22 Q. And did you read that report, sir?

23 A. Actually, I think I did. I did.

24 Q. Okay. And do you remember --

25 A. Once -- I didn't go over it and make notes on it, but I

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1 remember I read it once and I just did a once over on it.

2 Q. And do you recall, based on your once-over of the report
3 that she, Dr. Cervantes, made a finding that you were not
4 competent to stand trial?

5 A. Yes.

6 Q. And she -- in her findings, she talked also about your
7 ability to proceed pro se or on your own?

8 A. Right.

9 Q. Okay. But getting back to the initial question on this
10 topic, it was you following the advice of your counsel in
11 terms of the issue of being evaluated by Dr. Cervantes?

12 A. Yes. I went along with that. I didn't feel like I had a
13 choice, but earlier last year -- you know, you read the -- it
14 wasn't really the case that I wanted to go forward with. I
15 didn't want to go forward on this. I wanted to go forward on
16 my case.

17 Q. You don't want to go forward on -- are you referring to
18 raising like, a mental health type defense? Is that what you
19 didn't want to go forward on?

20 A. That's correct.

21 Q. Okay. And --

22 A. Again, just to reiterate the point, when I went through
23 these evaluations, I thought it was based whether or not they
24 were going to tell me -- or make a report on whether I was
25 telling the truth about what I believed or just, you know,

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1 trying to bring out an elaborate defense, you know, a fake
2 one. So, that was my initial understanding and I guess I
3 made a mistake.

4 Q. Well and again, the initial evaluation by Dr. Cervantes
5 was just to assess you in terms of whether or not there was
6 something that was like, some sort of manifestation of a
7 psychosis, for example. Do you understand that?

8 A. I only remember taking a test. I remember talking to
9 them and they were trying to get my ideas and you know, just
10 so there was kind of a rapport, like a relationship between
11 us. But, you know, I don't know what they do with their
12 work. I have never really worked with a psychiatrist before.
13 I thought maybe they were making a basic mental calculation
14 of what's this guy's baseline so we can see whether or not
15 he's telling the truth. So, that was my understanding.

16 Q. Where you say "them", are you referring to Dr. Cervantes
17 and Dr. Heffler?

18 A. Yes.

19 Q. Okay.

20 A. And Dr. Antonius, too.

21 Q. So, you are referring to all of your evaluations?

22 A. Right, right, right.

23 Q. Okay. You understand -- or do you understand that
24 Dr. Cervantes in her initial report diagnosed you with having
25 a delusional disorder of a mixed type?

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1 A. Yes.

2 Q. And do you feel, sir, that you have a delusional
3 disorder?

4 A. God, I hope not.

5 Q. And let me just -- do you know the basis for her
6 diagnosis of you having a delusional disorder?

7 A. No.

8 Q. All right. Well, do you recall her testimony that her
9 original diagnosis was based on your what she termed
10 sovereign citizen beliefs as one component and the second
11 component were your somatic complaints? Do you recall that
12 from her testimony?

13 A. I remember the somatic complaints. I remember the
14 sovereign citizen tag.

15 Q. And do you consider your beliefs regarding citizenship,
16 for example and the Fourteenth Amendment and your
17 interpretation of the law, do you consider those to be
18 delusional ideas?

19 A. No.

20 Q. In terms of your somatic complaints, you testified on
21 direct examination about sort of the -- of how you came to
22 approach holistic remedies as an alternative, correct?

23 A. I would not say an alternative, because I was seeing my
24 physician at the same time, so it's a balance. You need
25 both. And my physician was okay with that. In other words,

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1 if I am going to be diagnosed with a certain condition and
2 I don't have the proper nutritional support to aid my doctor
3 in treatment, you're sort of spitting into the ocean, if I
4 may make that analogy. You know, the nutritionists help
5 support the physicians.

6 Q. Would you agree that your decision to, for example, have
7 the muscle testing and to take some steps relative to the
8 router, that that was a well-reasoned approach by you to
9 maintaining your own health?

10 A. Sure.

11 Q. Sir, one -- there are certain requirements that have to
12 be met to determine whether or not you are competent to stand
13 trial. Do you understand that?

14 A. Mm-hmm. Yes.

15 Q. Yes. Thank you. Do you understand the crime you are
16 charged with in this case?

17 A. I understand the charges.

18 Q. And you understand that they relate to you filing the
19 non-resident alien tax returns in 2006 -- for 2006 and 2007,
20 correct?

21 A. That's correct.

22 Q. And do you understand that you have been charged in an
23 indictment that was returned by a Grand Jury?

24 A. Yes.

25 Q. Do you understand that at a trial of the case, Judge

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1 Arcara would preside over the trial?

2 A. That's the way it's going now, yes.

3 Q. And that he -- that you would have to comply with
4 whatever ruling that Judge Arcara made, do you understand
5 that?

6 A. Whatever rulings, yes, unless there was an appeal.

7 Q. Right, but within the confines of a trial --

8 A. Yes. Yes.

9 Q. -- you understand that Judge Arcara would make a ruling
10 and you would have to comply with that?

11 A. You are talking about the in-trial rulings?

12 Q. Yes.

13 A. Okay. Yes. Yes, I know there's a distinction.

14 Q. Because in the event of a conviction, there's an appeal,
15 for example?

16 A. Yes.

17 Q. And right now, I am only talking about the parameters of
18 the actual trial.

19 A. Right.

20 Q. Okay. And during the course of the trial, it's Judge
21 Arcara's job to run the trial and to make rulings from time
22 to which you are required to comply with?

23 A. Yes.

24 Q. And you understand that?

25 A. Yes. And now I know what you mean.

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1 Q. And you understand that if you are represented by
2 Mr. Comerford, that he will represent you throughout the
3 trial?

4 A. Well, I haven't consented to that yet. I will consent to
5 him as being counsel, but I haven't consented where he would
6 run the trial.

7 Q. Is it your belief, sir, that Mr. Comerford actually
8 cannot represent you because he is employed by the Federal
9 Public Defender's Office?

10 A. Yes. Because there's an assumption I am a federal
11 citizen and the federal citizen didn't appear until 1868.
12 It's a separate citizenship.

13 Q. And if you are not a federal citizen, is it your argument
14 that you cannot be represented by the federal public
15 defender?

16 A. That's correct.

17 Q. Okay. Would it be your preference to be represented by
18 someone who is not the public defender?

19 A. I do have somebody in mind that I haven't been able to
20 reach yet, but it's also my position that if anything is
21 going to be -- any court cases, it's my understanding that I
22 am to be heard under common law. And I don't know if they
23 have common law here, but my understanding is that my rights
24 under the Constitution of New York provides for a jury of my
25 own peers and to be held in New York State court, not here.

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1 Q. But right now, you are in federal court and you
2 understand that, right?

3 A. At this time, I understand that that's where I am, yes.

4 Q. And the only way that you would not be in federal court
5 would be if some motion on your part was granted saying this
6 court did not have jurisdiction over you?

7 A. That's correct. That's being made.

8 Q. You are --

9 A. I am constructing it now.

10 Q. So, you haven't made that motion yet?

11 A. That's correct.

12 Q. But you intend to do so?

13 A. Yes.

14 Q. But if that motion is denied and you are in federal
15 court, this proceeding will be governed by federal law, not
16 common law. Do you understand that?

17 A. If it's in here, it's not under common law, correct.

18 Q. And you understand that if Mr. Comerford continues to
19 represent you, that he is somebody who understands federal
20 law, federal procedure, et cetera?

21 A. Yes.

22 Q. And again, you have been able to work with Mr. Comerford
23 from the time of your indictment -- or strike that. You have
24 been able to work with Mr. Comerford as your attorney for a
25 number of years now, have you not?

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1 A. Yes.

2 Q. You understand what my role is as the prosecutor,
3 correct?

4 A. Yes.

5 Q. That it's my job at trial to prove the charges against
6 you beyond a reasonable doubt. Do you understand that?

7 A. Yes.

8 Q. You understand that you will be tried by a jury of your
9 peers?

10 A. Define "peers". I don't understand what you're saying.

11 Q. I am using your term. You referred to a jury of your
12 peers. You will be tried by a jury in federal court. Do you
13 understand that?

14 A. But they might not be my peers, because I am supposed to
15 be able to have a jury of state citizens, not U.S. citizens.

16 Q. And that's how you define "peers"?

17 A. Yes, by political status, correct.

18 Q. But you understand there will be 12 people plus an
19 alternate or two sitting in this box during your trial?

20 A. Yes.

21 Q. And that you will have an opportunity, whether you are
22 represented by Mr. Comerford or not, to have input into which
23 of the jury panel is chosen to sit on your case. Do you
24 understand that?

25 A. That's correct.

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1 Q. You understand the consequences of being found guilty,
2 don't you?

3 A. Yes, I do.

4 Q. And you understand, I believe, what you reported to
5 Dr. Antonius was that you face two and a half years if you
6 are convicted?

7 A. Correct.

8 Q. And you understand that two and a half years means you
9 could go to jail for two and a half years?

10 A. Yes, I do.

11 Q. You understand that -- well, let me ask it this way. You
12 understand that your ideas regarding the law are not accepted
13 by this Court and have not been accepted by this Court?

14 A. Up to this point in time, yes.

15 Q. And you understand going forward that your ideas, your
16 notions of the law may not be accepted by this Court?

17 A. I understand that.

18 Q. And you will still be required to go forward with the
19 trial of this case if you're found competent to proceed?

20 A. That's correct.

21 Q. Now -- and again, this is a two-step analysis. So, the
22 first is whether you are competent to proceed to trial and
23 that analysis assumes that you are represented by
24 Mr. Comerford. Do you understand that?

25 A. Yes.

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1 Q. Okay. So, now moving to the issues of whether or not you
2 are competent to represent yourself, I am going to ask you
3 some questions about that. Okay?

4 A. Yes.

5 Q. Do you believe that you have the cognitive ability to
6 represent yourself?

7 A. Yes.

8 Q. Do you believe that you have the capacity to follow the
9 Court's directions?

10 A. Yes.

11 Q. Do you feel that you will be disruptive during trial if,
12 for example, there's a ruling that isn't in your favor?

13 A. Correct. Yes.

14 Q. You will not be disruptive?

15 A. No.

16 Q. Do you feel you can put together key arguments to
17 articulate what your defense is?

18 A. Yes.

19 Q. Do you feel that you can file whatever motions are
20 necessary prior to trial?

21 A. Yes.

22 Q. Do you feel that you can examine witnesses that the
23 government presents?

24 A. Yes.

25 Q. Do you feel that you can read the exhibits, the documents

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1 that the government presents and question witness about those
2 exhibits?

3 A. Yes.

4 Q. And you understand, sir, that there has been what's
5 called discovery in this case?

6 A. So far, yes.

7 Q. And you understand that actually all of the government's
8 exhibits that it would use at trial have already been marked
9 and turned over to the defense because the case was going to
10 go to trial in October of 2015? Do you understand that?

11 A. I know that there was quite a bit of material that you
12 had, yes.

13 Q. And do you feel that you could go through that material
14 and use it in terms of questioning government witnesses?

15 A. Yes.

16 Q. And do you believe that you could go through those
17 exhibits and those documents and use them to support your
18 defense if that's possible?

19 A. Correct.

20 Q. Do you feel that you are disorganized and will be
21 disorganized in your ability to present your case?

22 A. No.

23 Q. You understand other people have different opinions than
24 you regarding your citizenship?

25 A. Yes.

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1 Q. And sir, you mentioned that you have been on an ankle
2 bracelet?

3 A. Yes.

4 Q. And how long has that been for at this point, if you
5 remember?

6 A. Last April.

7 Q. So, for a period of months, you have been on -- and it's
8 called home detention, right?

9 A. Yes.

10 Q. And you have mentioned Peter Lepiane as the probation
11 officer who supervises you?

12 A. Yes.

13 Q. And I think -- and if I am quoting you wrong, correct
14 me -- you called him a standup guy?

15 A. Yes.

16 Q. And you have been able to work with Mr. Lepiane in terms
17 of your supervision and the ankle bracelet, correct?

18 A. Yes.

19 Q. You have been able to comply with the rules and
20 regulations regarding being on home detention, correct?

21 A. Right.

22 Q. You understand that if you represent yourself, that you
23 can present a defense?

24 A. Yes.

25 Q. And you understand that you are not required to?

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1 A. Yes.

2 Q. Okay. So, you understand that the burden is all the
3 government's burden?

4 A. Yes.

5 Q. That you don't have to do anything?

6 A. Right.

7 Q. Okay. And similarly, you understand that you could take
8 the stand and testify on your own behalf?

9 A. Yes.

10 Q. But you know that nobody can make you do that; that
11 that's a decision that you would make, correct?

12 A. Yes.

13 Q. And if you are represented by Mr. Comerford, could you
14 follow Mr. Comerford's advice regarding strategy in terms of
15 presentation of evidence at trial?

16 A. I could, yes.

17 MS. KRESSE: Your Honor, no further questions.

18 MR. COMERFORD: Just two minutes, Judge.

19 THE COURT: Okay.

20

21 REDIRECT EXAMINATION

22

23 BY MR. COMERFORD:

24 Q. Dr. Weber, Ms. Kresse asked about you having a jury of
25 your peers. Do you recall that?

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1 A. Yes.

2 Q. And in your understanding, who are your peers?

3 A. Fellow state citizens of New York State.

4 Q. And who would be selected to -- I guess who would be the
5 potential jurors in your criminal case in federal court?

6 A. People who properly identified their political status.

7 Q. As what?

8 A. As a citizen of New York, not a Fourteenth Amendment
9 citizen of New York. I can add one thing to that.

10 Q. Sure.

11 A. People who know that their birthright citizenship is
12 different than the naturalization citizenship under the
13 Fourteenth Amendment. Those are my peers.

14 Q. What if I told you that the jury pool are citizens
15 selected from the counties that are within the Western
16 District of New York regardless of their political views?

17 A. Well, then they wouldn't be competent -- they wouldn't be
18 a jury of my peers.

19 Q. Would you -- and beyond -- I am not saying you couldn't
20 object to that at trial, but would you -- all the questions
21 that Ms. Kresse asked you about, would you follow the rules
22 and accept a trial, if the jury was one that was U.S.
23 citizens, residents of New York, but not as you deem them
24 New York citizens, would you be able to -- would you accept
25 that at trial?

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1 A. I have the right to demand that under the New York State
2 Constitution, that I have a jury of my peers. That's in the
3 Bill of Rights. So, I would not accept and I would not
4 consent to a jury not of my peers.

5 Q. Do you -- so, what's your plan if we go to trial and you
6 make that objection and lose and the jury ends up being
7 people who are residents of New York, citizens of the U.S.
8 and regardless of their political status and I'll go a step
9 beyond that, not just that, but what if during voir dire
10 questioning -- that's where the Judge and sometimes the
11 parties can ask questions of the jurors -- if people who have
12 views similar to your own are excused from the jury, so that
13 those people are specifically not on the jury, what is your
14 plan then?

15 A. That -- I'm sorry. Which citizens would be excused?

16 Q. If someone is a prospective juror and that person says, I
17 don't think I should have to pay taxes on the Fourteenth
18 Amendment and I am not a U.S. citizen and I'm a citizen of
19 the several States, let's presume for the purposes of this
20 hypothetical that that person is excused, that they are
21 not -- that the government gets certain challenges, that they
22 ask for that person to be kicked off and they are kicked off
23 and the only people remaining on the jury are people who are
24 residents of New York, but do not identify with your
25 political status; rather they are just citizens of the

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1 United States. If we go forward with a criminal trial with
2 that jury, what's your plan?

3 A. Well, I would object to the jury and make a motion for
4 that to be ruled on.

5 Q. And assuming that you lost that motion, do you think the
6 Court could still go forward with the trial?

7 A. I think I would put that to appeal. That's the legal
8 remedy, you know, stay civil, don't get mad, keep everything
9 cool, go ahead with your legal remedy.

10 MR. COMERFORD: I have no further questions. Thank
11 you.

12 THE WITNESS: Thank you.

13 THE COURT: All right. The witness is excused.

14 THE WITNESS: Thank you.

15 THE COURT: We'll get transcripts. I want written
16 briefs on this. How long will it take, Megan?

17 THE REPORTER: One week.

18 THE COURT: One week? So, how long would you need to
19 file a brief?

20 MR. COMERFORD: Is it simultaneous filings, Judge?

21 THE COURT: Yeah, I think so.

22 MR. COMERFORD: I guess three weeks would be
23 sufficient.

24 THE COURT: All right. Let's set forth the schedule.

25 THE CLERK: February 21st, Judge.

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1 THE COURT: Okay. They can file one week for any
2 responses to each other's briefs, but that will be limited to
3 five pages.

4 THE CLERK: February 28th.

5 THE COURT: And we'll have -- if argument is
6 necessary, we'll have that about a week or two later.

7 THE CLERK: Judge, that would be in March.

8 THE COURT: Let's say the end of March.

9 THE CLERK: Friday, March 30th at 9 o'clock for oral
10 argument.

11 THE COURT: All right. Anything further?

12 MR. COMERFORD: No, Your Honor.

13 MS. KRESSE: Your Honor, in terms of the exclusion of
14 time, is the time until the 30th continued to be excluded due
15 to the fact in that competency issue is outstanding?

16 THE COURT: Well, at least until then, but then I'll
17 have at least 30 days after any argument.

18 MS. KRESSE: Yes.

19 THE COURT: So, up to that point in time, yes.

20 MS. KRESSE: And I will provide a proposed speedy
21 trial order then, Judge.

22 THE COURT: That will be fine. Court will be recess.

23 THE CLERK: All rise.

24 (Proceedings concluded at 11:14 a.m.)

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